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Proposed Counsel for The Original Mowbray's  
Tree Service, Inc., Debtor and Debtor-In-  
Possession

**UNITED STATES BANKRUPTCY COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**SANTA ANA DIVISION**

In re

THE ORIGINAL MOWBRAY'S TREE  
SERVICE, INC., a Delaware corporation

Debtor and  
Debtor-in-Possession.

Case No. 8:24-bk-12674-TA

Chapter 11

**DECLARATION OF BRIAN WEISS  
IN SUPPORT OF DEBTOR'S  
EMERGENCY MOTION FOR  
ENTRY OF INTERIM AND FINAL  
ORDERS AUTHORIZING USE OF  
CASH COLLATERAL**

**[Hearing to be Set]**

I, Brian Weiss, declare as follows.

1. I am a co-founder and partner of Force Ten Partners, LLC ("**Force 10**") and the Chief Restructuring Officer (the "**CRO**") of The Original Mowbray's Tree Service, Inc., the debtor and debtor-in-possession in the above-captioned case (the "**Debtor**"). I know each of the following facts to be true of my own personal knowledge, except as otherwise stated and, if called as a witness, I could and would competently testify with respect thereto. I make this declaration in support of the *Emergency Motion for Entry of Interim and Final Orders Authorizing Use of Cash Collateral* (the "**Motion**"). Unless otherwise defined in this declaration, all terms defined in the Motion are incorporated herein by this reference.

1           2.       I received my Masters of Business Administration from the University of  
2 Southern California and my Bachelor of Science in Accounting from San Diego State  
3 University. I am also a licensed and active Certified Public Accountant in the state of  
4 California.

5           3.       I am a co-founder and partner with Force 10, an advisory firm specializing in  
6 corporate restructuring, challenged business situations, litigation support, and special  
7 situations. I have substantial experience with providing chief restructuring officer services for  
8 entities that have filed for relief under chapter 11 of the Bankruptcy Code, including analyzing  
9 business operations, financial modeling, operational analyses, and developing reorganization  
10 strategies. I have served as chief restructuring officer, financial advisor, plan trustee, and  
11 receiver for companies in a variety of industries.

12           4.       I was retained as CRO by the Debtor prior to the Petition Date. The budget  
13 attached to the Motion as **Exhibit 1** (the "**Budget**") was prepared by Ruben Sainos, the  
14 Debtor's CFO, with the assistance of myself and others at Force 10 under my supervision and  
15 at my direction. I believe the Budget is reasonable based on the Debtor's actual recent pre-  
16 petition income and expenses. The Budget includes those expenses necessary to operate over  
17 the next 13-week period, such as payroll, equipment maintenance, fuel, union dues, insurance,  
18 payments on account of capital and operating leases, expenses for personnel in the field, and  
19 other operating costs, payments to PNC Bank, and the costs of to fund this Case.

20           5.       The Debtor's projected revenues are based on its recent historical trends  
21 adjusted based on the expectations of Debtor's management, including a recently awarded  
22 contract. The Debtor's projected expenses are similarly based on the Debtor's recent historical  
23 expense trends and future expected costs. As set forth in the Budget, the Debtor is projected  
24 to operate on a cumulative cash flow positive basis after operations, financing (inclusive of  
25 payments to PNC and other secured creditors), and professional fees over the next thirteen  
26 weeks. The Debtor projects an ending cash balance over such thirteen-week period of  
27

1 \$4,670,159 (including after restructuring costs) and is projected to largely break even over the  
2 next thirteen weeks with a small increase in cash as set forth in the Budget.

3 6. The "Collateral Package" analysis in the Budget was prepared by myself and  
4 others at Force 10 under my supervision and at my direction. As reflected in such analysis,  
5 during the 13-week period in the Budget, PNC is protected by a collateral ratio of no less than  
6 1.90 times the balance owed to PNC. At the conclusion of the proposed cash collateral  
7 period, PNC will be protected by an equity cushion of \$6,350,976, or 190%.

8 7. In my opinion, the use of cash collateral will enable the Debtor to continue to  
9 operate and preserve its value as a going concern, generate additional revenue, and preserve  
10 the value of any interest in cash collateral as of the Petition Date over the 13-week period in  
11 the Budget.

12 I declare under penalty of perjury under the laws of the United States of America that  
13 the foregoing is true and correct.

14 Executed on this 18th day of October, 2024, at Newport Beach, California.

15  
16 

17 BRIAN WEISS

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

**3200 Park Center Drive, Suite 250, Costa Mesa, CA 92626**

A true and correct copy of the foregoing document entitled (*specify*): **DECLARATION OF BRIAN WEISS IN SUPPORT OF DEBTOR'S EMERGENCY MOTION FOR ENTRY OF INTERIM AND FINAL ORDERS AUTHORIZING USE OF CASH COLLATERAL** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **10/18/2024**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- **Robert S Marticello** rmarticello@raineslaw.com, bclark@raineslaw.com;jfisher@raineslaw.com
- **United States Trustee (SA)** ustpregion16.sa.ecf@usdoj.gov

☐ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (*date*) **10/18/2024**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) **10/18/2024**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

**10/18/2024**  
Date

Ja'Nita Fisher  
Printed Name

/s/ Ja'Nita Fisher  
Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.